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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LATEIA MITCHELL, et al.,

11 Plaintiffs,

12 v.

13 PATENAUDE & FELIX APC,

14 Defendant.

CASE NO. C19-0809JLR-TLF

ORDER

15 I. INTRODUCTION

16 Before the court is the Report and Recommendation of United States Magistrate
17 Judge Theresa L. Fricke (R&R (Dkt. # 19)), and Defendant's objections thereto (Obj.
18 (Dkt. # 20)). Having carefully reviewed the foregoing, along with all other relevant
19 documents, and the governing law, the court ADOPTS the Report and Recommendation
20 (Dkt. # 19) and GRANTS in part and DENIES in part Defendant's motion to dismiss
21 (Dkt. # 11) in accordance with the recommendations of the R&R.

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II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The court reviews de novo those portions of the report and recommendation to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise." *Id.* When no objections are filed, the court need not review de novo the report and recommendation. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).

III. DISCUSSION

Defendant objects to the Report and Recommendation's determination to deny portions of the motion to dismiss and failure to dismiss the action in its entirety. (*See generally* Obj.) Defendant's objections do not raise any novel issues that were not addressed by Magistrate Judge Fricke's Report and Recommendation. (*See generally* R&R.) Moreover, the court has thoroughly examined the record before it and finds Magistrate Judge Fricke's reasoning persuasive in light of that record. Defendant essentially reargues the arguments it made to Magistrate Judge Fricke, as well as arguments that Magistrate Judge Fricke thoroughly addressed in the Report and

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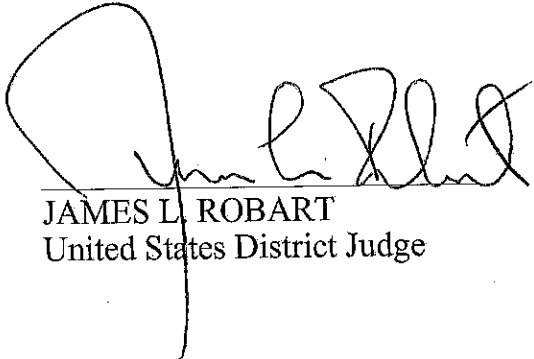
1 Recommendation, and the court independently rejects them for the same reasons as
2 Magistrate Judge Fricke.

3 **IV. CONCLUSION**

4 For the foregoing reasons, the court hereby ORDERS as follows:

- 5 (1) The court ADOPTS the Report and Recommendation (Dkt. # 19) in its
6 entirety;
7 (2) Defendant's motion to dismiss is GRANTED in part and DENIED in part;
8 (3) The court DIRECTS the Clerk to send copies of this Order to counsel of record
9 and to Magistrate Judge Fricke.

10 Dated this th27 day of August, 2019.


JAMES L. ROBART
United States District Judge